
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Articles 2 and 3 of Council Directive No. [89/397/EEC](#) (OJ No. L186, 30.6.89, p.23), on the approximation of the laws of the Member States relating to food and materials and articles intended to come into contact with food, as read with the ninth recital to that Directive.

The Regulations replace provisions excluding food destined for export from each of the Regulations (except the Arsenic in Food Regulations 1959) listed in Schedules 1 and 2 by a defence relating to offences under those Regulations. The defence is available to a person who proves that the food, in respect of which the offence is alleged to have been committed, was intended for export and complied with the importing country's legislation. There is a transitional provision to cover food intended for export which has been prepared and labelled for sale before 26th July 1991, when the Regulations come into force. The Regulations replace an export exclusion by a similar defence and transitional provision in the Materials and Articles in Contact with Food Regulations 1987, as amended.

The Regulations also add a similar defence and transitional provision to the Arsenic in Food Regulations 1959.